

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SHANNON SZUSZALSKI

Plaintiff,

v.

No. CV 19-250 RB/CG

RUDY FIELDS, et al.

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFFS' MOTION TO COMPEL AND SANCTION**

THIS MATTER is before the Court on Plaintiff Shannon Szuszalski's *Motion and Memorandum to Sanction Sandoval County Defendants for their Failure to Comply with the Court's Order Compelling Initial Disclosures Pursuant to Rule 26(a)(1) and Compel and Sanction Sandoval County Defendants for Failing to Reasonably and Timely Respond to Plaintiffs' Discovery Requests* (the "Motion"), (Doc. 60), filed August 8, 2019; Defendant Sandoval County's *Response to Plaintiffs' Motion to Compel* [Doc. 60] (the "Response"), (Doc. 73), filed August 22, 2019; *Plaintiffs' Reply to Sandoval County Defendants' Response* [Doc. 73] [...] (the "Reply"), (Doc. 79), filed September 5, 2019; the parties' *Joint Status Report Regarding Plaintiffs' Motion to Compel and Impose Sanctions* [Doc. 60], (Doc. 78), filed September 5, 2019; and the parties' *Amended Joint Status Report*, (Doc. 86), filed September 12, 2019.

In the parties' *Amended Joint Status Report*, they explain that all current discovery disputes have been resolved. (Doc. 86). As such, after conferring with the parties, the Court shall **GRANT IN PART** and **DENY IN PART** Plaintiff Shannon Szuszalski's *Motion and Memorandum to Sanction Sandoval County Defendants for*

their Failure to Comply with the Court's Order Compelling Initial Disclosures Pursuant to Rule 26(a)(1) and Compel and Sanction Sandoval County Defendants for Failing to Reasonably and Timely Respond to Plaintiffs' Discovery Requests, (Doc. 60).

IT IS HEREBY ORDERED:

- 1.) Plaintiff Shannon Szuszalski's request for Federal Rule of Civil Procedure 37(b)(2)(A)(ii) sanctions prohibiting Sandoval County Defendants from supporting or opposing designated claims or defenses is **DENIED**;
- 2.) Plaintiff Shannon Szuszalski's request for an Order compelling Sandoval County Defendants to produce all materials agreed to by the parties, respond completely to all interrogatories, and respond to all requests for admission is **GRANTED**; and
- 3.) Plaintiff Shannon Szuszalski's request for the Court to order mandatory expenses and attorney's fees related to filing the Motion under Federal Rule of Civil Procedure 37(b)(2)(C) is **GRANTED**.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE